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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR-10-00732-JF  
12 )  
Plaintiff, )  
13 ) STIPULATION AND ~~PROPOSED~~  
vs. ) ORDER CONTINUING HEARING DATE  
14 ) AND EXCLUDING TIME UNDER THE  
MARIO CORTEZ-RODRIGUEZ, ) SPEEDY TRIAL ACT  
15 )  
Defendant. )  
16 \_\_\_\_\_)

17 **STIPULATION**

18 Defendant Mario Cortez-Rodriguez, by and through Assistant Federal Public Defender  
19 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney  
20 Bradley D. Price, hereby stipulate that, with the Court's approval, the court date currently  
21 scheduled for Thursday, February 24, 2011, shall be continued to Thursday, March 31, 2011, at  
22 9:00 a.m.

23 The purpose of the continuance is to grant the defense additional time to complete its  
24 review of Mr. Rodriguez-Cortez's California Sixth Appellate District Court proceedings in  
25 *People v. Mario Rodriguez-Cortez* and records from Mr. Rodriguez-Cortez's removal  
26 proceedings, which are both voluminous. Accordingly, the parties agree that the time between

February 24, 2011, and March 31, 2011, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation by defense counsel.

IT IS SO STIPULATED.

Dated: February 22, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
VARELL L. FULLER  
Assistant Federal Public Defender

Dated: February 22, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
BRADLEY D. PRICE  
Special Assistant United States Attorney

~~{PROPOSED}~~ **ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for February 24, 2011, shall be continued to Thursday, March 31, 2011, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between February 24, 2011, and March 31, 2011, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between February 24, 2011, and March 31, 2011, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between February 24, 2011, and March 31, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: 2/23/11

  
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THE HONORABLE JEREMY FOGEL  
United States District Court Judge